

GERALD E. COLEMAN

IBLA 83-233

Decided January 25, 1983

Appeal from decision of Utah State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease application U 51528.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings -- Oil and Gas Leases: Rentals

Where, following a drawing of simultaneously filed oil and gas lease applications, a priority applicant fails to submit advance rental and the executed lease forms within 30 days after receipt of a notice that payment was due, as prescribed by 43 CFR 3112.4-1, disqualification of the application is automatic.

APPEARANCES: Gerald E. Coleman, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Gerald E. Coleman has appealed the decision of the Utah State Office, Bureau of Land Management (BLM), dated November 4, 1982, which rejected his simultaneous oil and gas lease application U 51528 for 1,438.27 acres of land in T. 32 S., R. 5 W., Salt Lake meridian, Garfield County, Utah.

Appellant's lease application was drawn with first priority for parcel UT 14 in the July 1982 simultaneous filing period, offered by BLM. On September 14, 1982, BLM sent appellant a notice of rental due, and lease forms and stipulations for execution, with advice that the rental and executed forms had to be returned to BLM within 30 days after receipt. Appellant received the notice September 14, 1982. The rental payment and the executed forms were received by BLM October 15, 1982, after the 30-day period had expired.

Appellant states he mailed the papers and payment from Dallas, Texas, on October 12, which should have been in ample time for delivery to BLM by October 14, 1982.

[1] The applicable regulation, 43 CFR 3112.4-1, provides that the executed lease agreement and the applicant's rental payment shall be filed

in the proper BLM office within 30 days from the date of receipt of notice. As stated above, the payment and lease forms were received by BLM after conclusion of the 30-day period. Where an applicant fails to comply timely with the regulatory requirements, BLM properly rejected the application. Arthur Ankowitz, 58 IBLA 112 (1981); Robert E. Bergman, 53 IBLA 122 (1981).

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

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Douglas E. Henriques  
Administrative Judge

We concur:

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Edward W. Stuebing  
Administrative Judge

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Gail M. Frazier  
Administrative Judge

